

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

PAULA S. CONKELE)	CASE NO. 5:08cv1937
)	
Plaintiff,)	Judge Dan Aaron Polster
)	
vs.)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant.)	

Before the Court is the Report and Recommended Decision of Magistrate Judge Perelman issued on September 9, 2009 (Doc. No. 14). The Magistrate Judge recommends that the Commissioner's decision denying Plaintiff's application for supplemental security income benefits be affirmed and that judgment be entered in favor of the Commissioner. Under the relevant statute:

Within *ten days* after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C) (1988) (emphasis added). In this case, 15 days have elapsed since the Magistrate Judge issued the Report and Recommended Decision and filed it electronically, and

neither an objection nor a request for an extension to file objections has been filed.

The failure to timely file written objections to a Magistrate Judge's Report and Recommended Decision constitutes a waiver of a de novo determination by the district court of an issue covered in the report. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); see United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's thorough and well-written Report and Recommended Decision and hereby **adopts** that Report and Recommendation.

IT IS SO ORDERED.

/s/Dan Aaron Polster 9/24/09

Dan Aaron Polster
United States District Judge